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10/075,861	02/14/2002	Timothy Andreas Meserth	RPS920010150US1	9416

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EXAMINER
HANNE, SARA M

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
04/09/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-21* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some *   c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Takahashi et al., US Patent 5999162, and further in view of Venolia, US Patent

Application Publication 2008/0204477.

Takahashi et al. teaches an icon as a portion of the display (winding-up position

line, Figure 10) determining the position of the icon (predetermined) and refreshing the

graphical representation responsive to receiving a new data point (Column 4, lines 45-

53), wherein the position of the icon determines how much historical data is retained in

the refreshed display (Column 2, lines 11-20). While Takahashi et al. teaches

refreshing the display where the amount of information to be retained is based on a user

determined position, they fail to show the user positionable icon as a portion of the

display as recited in Claims 1 and 8. In the same field of the invention, Venolia teaches

a graphical display with data adjustment similar to that of Takahashi et al.

In addition, Venolia further teaches a user-positionable icon as a portion of the

display controlling the amount of information to be retained onscreen (Figure 5 with

corresponding text and par. 47, 81). It would have been obvious to one of ordinary skill

in the art, having the teachings of Takahashi et al. and Venolia before him at the time

the invention was made, to modify refreshing of the display where the amount of

information to be retained is based on a user determined position taught by Takahashi

et al. to include the user-positionable icon of Venolia, in order to obtain an interface for

controlling the amount of information to be retained when the screen is refreshed. One

would have been motivated to make such a combination because an interactive and

runtime control for setting the desired display area would have been obtained, as taught

by Venolia.

As in Claims 2 and 9, Takahashi teaches the graphical representation to be

refreshed when the graphical representation is full (Column 2, lines 15-21).

As in Claims 3 and 10, Takahashi teaches shifting all data points horizontally by

a displacement, the displacement determined by the position of the icon ("moving the

graph to a predetermined position toward the one end of the display screen", Column 2,

lines 14-16).

As in Claims 4 and 11, Takahashi teaches appending a new data point to the

display without discarding any historical data when the display is not full (Column 2,

lines 15-21).

As in Claims 5 and 12, Takahashi teaches the position of the icon determining

the location of the first new data point occurring after the display is refreshed (Column 7,

lines 42-47).

As in Claims 6 and 13, Takahashi teaches the representation including a left side

vertical axis and a right side vertical axis, wherein data points in proximity to the left-side

vertical axis are older than data points in proximity to the right-side vertical axis (Column 5, lines 7-14, Figures 10-11 and corresponding text).

As in Claims 7 and 14, Takahashi teaches the positioning of the icon at the left-side vertical axis will erase all historical data when the representation is refreshed and wherein positioning of the icon at the right side vertical axis will erase a single data point when the representation is refreshed (Columns 7-8, lines 61-6, respectively).

As in Claim 15, Takahashi teaches an icon as a portion of the display (winding-up position line, Figure 10) determining the position of the icon (predetermined) and refreshing the graphical representation responsive to receiving a new data point (Column 4, lines 45-53), wherein the position of the icon determines how much historical data is retained in the refreshed display (Column 2, lines 11-20). While Takahashi teaches refreshing the display where the amount of information to be retained is based on a user determined position, they fail to show the user positionable icon as a portion of the display moveable along the horizontal axis as recited in Claim 15. In the same field of the invention, Venolia teaches a realtime graphical display with a horizontal axis representing time and the vertical axis representing a parameter of interest and data adjustment similar to that of Takahashi. In addition, Venolia further teaches a user-positionable icon as a portion of the display controlling the amount of information to be retained onscreen moveable along the horizontal axis (Figure 5 and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Takahashi and Venolia before him at the time the invention was

made, to modify refreshing of the display where the amount of information to be

retained is based on a user determined position taught by Takahashi to include the

user-positionable icon of Venolia, in order to obtain an interface for controlling the

amount of information to be retained when the screen is refreshed. One would have

been motivated to make such a combination because an interactive and runtime control

for setting the desired display area would have been obtained, as taught by Venolia

(Col. 1, lines 27 et seq.).

As in Claim 16, Takahashi teaches the graphical representation to be refreshed

when the graphical representation is full (Column 2, lines 15-21).

As in Claim 17, Takahashi teaches shifting all data points horizontally by a

displacement, the displacement determined by the position of the icon ("moving the

graph to a predetermined position toward the one end of the display screen", Column 2,

lines 14-16).

As in Claim 18, Takahashi teaches appending a new data point to the display

without discarding any historical data when the display is not full (Column 2, lines 15-

21).

As in Claim 19, Takahashi teaches the position of the icon determining the

location of the first new data point occurring after the display is refreshed (Column 7,

lines 42-47).

As in Claim 20, Takahashi teaches the representation including a left side vertical

axis and a right side vertical axis, wherein data points in proximity to the left-side vertical

axis are older than data points in proximity to the right-side vertical axis (Column 5, lines 7-14, Figures 10-11 and corresponding text).

As in Claim 21, Takahashi teaches the positioning of the icon at the left-side vertical axis will erase all historical data when the representation is refreshed and wherein positioning of the icon at the right side vertical axis will erase a single data point when the representation is refreshed (Columns 7-8, lines 61-6, respectively).

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar graphical display controls and slider bars.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M. Hanne whose telephone number is (571) 272-4135. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WEILUN LO can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sara M Hanne/
Primary Examiner, Art Unit 2179